Civil Action No.: 5:10-CV-00009 NPM
Bankruptcy Case Number: 08-33071

Office of U. S. Trustee 10 Broad Street, Rm 105 Utica, NY 13501

Guy A. Van Baalen, Trustee

NEAL P. MCCURN SENIOR UNITED STATES DISTRICT JUDGE

MEMORANDUM-DECISION AND ORDER

On December 17, 2009, plaintiff, an attorney, filed a notice of appeal from an Order signed on December 8, 2009 by United States Bankruptcy Judge Margaret Cangilos-Ruiz in *In Re: Yvonne Terrell Dickson*, Bankruptcy Case Number: 08-33071. The Clerk of the Bankruptcy Court signed a Certification of Non-Compliance on January 4, 2010 stating that appellant failed to file a timely designation of the items to be included in the record on appeal and a statement of the issues to be presented, in accordance with Federal Rules of Bankruptcy Procedure 8006. On February 1, 2010, this Court issued an Order (Dkt. No. 2) dismissing the appeal unless, within thirty days of

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the Order, appellant fully complied with the Bankruptcy Rules.

Although given notice of the 30-day Order and ample opportunity to avoid dismissal,

appellant has failed to submit the papers necessary to prosecute the appeal. Nor has he submitted

an explanation for his failure to do so or sought an extension of time. On reviewing the order

appealed from and the underlying record, and in view of appellant's complete failure to proceed in

this Court, the Court finds that a lesser sanction than dismissal would not be effective. Further,

there is no apparent excuse for the failure of appellant, a lawyer, to prosecute this appeal, nor is

there any basis to believe that the appeal is meritorious. In exercise of its discretion, this Court

dismisses the appeal.

It is therefore

ORDERED that the appeal from the December 8, 2009 Order of United States Bankruptcy

Judge Margaret Cangilos-Ruiz in In Re: Yvonne Terrell Dickson, Bankruptcy Case Number: 08-

33071, is denied and dismissed.

IT IS SO ORDERED.

Dated: March 15, 2010

at Syracuse, NY

Neal P. McCurn

Senior U.S. District Judge

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